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Telecommunications
Association
WV Oil & Natural Gas
Association

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

April 1, 2010

Re: GN Docket No. 09-191

Dear Chairman Genachowski and Commissioners:

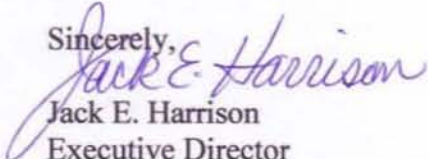
The Utilities, Telecommunications & Energy Coalition of West Virginia (UTEC) thanks the FCC for the opportunity to file reply comments on the Open Internet NPRM. Established in 2007, UTEC represents regulated utilities that provide more than 1,500,000 West Virginia customers with reliable electric, natural gas, solid waste, telecommunications and water utility service. UTEC's objective is to inform and educate government and business leaders on matters of public policy; to create a positive business environment and enhance our ability to provide safe and reliable utility service to customers.

More than 26,000 hard working West Virginians are employed by UTEC companies and organizations. Our sector has 3.5% of total employment and 6% of total wages in the state. UTEC has deep roots in West Virginia and the capital investment by our companies and organizations proves it. Today, we have tens of billions of dollars invested in our facilities and operations in the state. Several of our companies have announced construction projects that, in total, will account for more than \$3 billion.

As a public voice for issues regarding telecommunications, we have some reservations with the proposed rules that the Commission is considering in the NPRM. We are concerned that the non-discrimination ban contained in the fifth principle will constrain providers' ability to manage network traffic and ensure the effectiveness of applications like telemedicine, distance learning and telework, which require high-bandwidth capacity to properly function.

Furthermore, as an organization based in a state that is largely rural, we have concerns about the effects that these regulations would have on broadband deployment in West Virginia. Merely a third of our state has high-speed Internet access, which is about half of the national average for home broadband adoption. In order to deploy broadband to less densely populated parts of our state, private sector investment is imperative. Despite the economic downturn, investment from companies, including several of our own, has remained strong. In order to achieve the key goal of the National Broadband Plan – universal broadband access – the Commission must promote policies that will preserve investment and innovation. We are not convinced that net neutrality regulations will accomplish this objective.

We hope the Commission will take our views into account and help us to bring broadband to the businesses and communities of West Virginia.

Sincerely,

Jack E. Harrison
Executive Director